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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2011-205**

12 **JONATHAN JAMES POHLOD**
13 **1533 Allegro Ct.**
Paso Robles, CA 93446

A C C U S A T I O N

14 **Registered Nurse License No. 495101**

15 Respondent.
16

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., R.N. ("Complainant") brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing.

21 2. On or about August 31, 1993, the Board of Registered Nursing issued Registered
22 Nurse License Number 495101 to Jonathan James Pohlod ("Respondent"). The Registered Nurse
23 License expired on July 31, 2009, and has not been renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board of Registered Nursing, Department of
26 Consumer Affairs, under the authority of the following laws. All section references are to the
27 Business and Professions Code ("Code") unless otherwise indicated.
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1 4. Section 2750 of the Code states:

2 "Every certificate holder or licensee, including licensees holding temporary licenses, or
3 licensees holding licenses placed in an inactive status, may be disciplined as provided in this
4 article [Article 3 of the Nursing Practice Act (Bus. & Prof Code, § 2700 et seq.)]. As used in this
5 article, "license" includes certificate, registration, or any other authorization to engage in practice
6 regulated by this chapter. The proceedings under this article shall be conducted in accordance
7 with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the
8 Government Code [the Administrative Procedure Act], and the board shall have all the powers
9 granted therein."

10 5. Section 2764 of the Code states:

11 "The lapsing or suspension of a license by operation of law or by order or decision of the
12 board or a court of law, or the voluntary surrender of a license by a licentiate shall not deprive the
13 board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding
14 against such license, or to render a decision suspending or revoking such license."

15 6. Section 118 of the Code states:

16 "(a) The withdrawal of an application for a license after it has been filed with a board in the
17 department shall not, unless the board has consented in writing to such withdrawal, deprive the
18 board of its authority to institute or continue a proceeding against the applicant for the denial of
19 the license upon any ground provided by law or to enter an order denying the license upon any
20 such ground."

21 "(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a
22 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by
23 order of a court of law, or its surrender without the written consent of the board, shall not, during
24 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
25 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
26 provided by law or to enter an order suspending or revoking the license or otherwise taking
27 disciplinary action against the licensee on any such ground."

1 "(c) As used in this section, 'board' includes an individual who is authorized by any
2 provision of this code to issue, suspend, or revoke a license, and 'license' includes 'certificate,'
3 'registration,' and 'permit.'"

4 **STATUTORY PROVISIONS**

5 7. Section 2762 of the Code provides in pertinent part:

6 "In addition to other acts constituting unprofessional conduct within the meaning of this
7 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
8 chapter to do any of the following:"

9 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
10 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
11 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
12 himself or herself, any other person, or the public or to the extent that such use impairs his or her
13 ability to conduct with safety to the public the practice authorized by his or her license."

14 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any
15 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this
16 section."

17 8. Section 2761 of the Code provides in pertinent part:

18 "The board may take disciplinary action against a certified or licensed nurse or deny an
19 application for a certificate or license for any of the following:

20 (a) Unprofessional conduct, which includes, but is not limited to, the following:

21 (d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
22 violating of, or conspiring to violate any provision or term of this chapter or regulations adopted
23 pursuant to it."

24 **COST RECOVERY**

25 9. Code section 125.3 provides, in pertinent part, that the Board may request the
26 administrative law judge to direct a licentiate found to have committed a violation or violations of
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
28 enforcement of the case.

1 FIRST CAUSE FOR DISCIPLINE

2 (Dangerous Use of Alcohol)

3 10. Respondent is subject to disciplinary action under Code section 2761(a),
4 unprofessional conduct, as defined in section 2762(b), in that Respondent's used alcoholic
5 beverages, to an extent or in a manner dangerous or injurious to himself, any other person, or the
6 public or to the extent that such use impaired his ability to conduct with safety to the public the
7 practice authorized by his license:

8 (a) Between January 15, 2008 and June 18, 2008, Respondent was employed as a
9 registered nurse by San Luis Obispo Public Health Services and assigned to work as a
10 correctional nurse at the San Luis Obispo county jail.

11 (b) On or about January 15, 2008, Respondent arrived at work in the morning with an odor
12 of alcohol on his breath. Respondent admitted to his supervisor that his last drink was at 8:00
13 a.m. in the morning and that he was going through a difficult time and not sleeping properly.

14 (c) On or about January 24, 2008, Respondent received a notice from his supervisor
15 regarding Respondent's consumption of alcohol before starting work and arriving at work with an
16 odor of alcohol still on his breath. The notice included a warning of possible discipline if
17 Respondent reported to work impaired again.

18 (d) Respondent was advised on at least two occasions in January 2008 that interacting with
19 jail inmates while impaired and with the smell of alcohol on his breath would undermine the
20 integrity of the department, place the staff in dangerous situations, and increase the risk of
21 mistakes.

22 (e) On or about June 18, 2008, at 10:30 a.m., the odor of alcohol was detected on the breath
23 of Respondent while at work. The RN supervisor administered a breathalyzer test, which
24 detected the presence of alcohol. Respondent denied being impaired and demanded a blood test.
25 Respondent was administered a saliva test by an MD, who determined Respondent was impaired
26 and unable to drive or work until 4:00 p.m. that day.

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1 SECOND CAUSE FOR DISCIPLINE

2 (Incorrect Record Entries Pertaining to Controlled Substances and Dangerous Drugs)

3 11. Respondent is subject to discipline under Code section 2761(a), unprofessional
4 conduct, as defined in Code section 2762(e) in that between January 15, 2008 and June 18, 2008,
5 while employed as a registered nurse by San Luis Obispo Public Health Services and assigned to
6 work as a correctional nurse at the San Luis Obispo county jail, the Respondent made false,
7 grossly incorrect, grossly inconsistent or unintelligible entries in hospital, patient, or records
8 pertaining to controlled substances or dangerous drugs:

9 (a) On March 10, 2008, Respondent failed to transcribe the medication orders for patient
10 W.C., resulting in the patient not receiving medication. Patient had been prescribed Norvasc 10
11 mg (blood pressure medication).

12 (b) On April 8, 2008, Respondent incorrectly transcribed the medication orders for patient
13 R.G. Respondent transcribed the orders as "BID" (twice a day) instead of "TID" (three times a
14 day). Patient had been prescribed Amoxicillin 500 mg (antibiotic) and Tylenol #3 (narcotic pain
15 reliever containing codeine).

16 (c) On April 29, 2008, Respondent failed to transcribe medication orders for patient B.R.,
17 resulting in the patient not receiving medication. Patient had been prescribed Coumadin 10 mg
18 QD (coumarin anticoagulant) and Tramadol 100 mg TD (narcotic-like pain reliever). A
19 supervisor was not notified of the error until May 6, 2008.

20 (d) On May 2, 2008, Respondent failed to transcribe medication orders for patient R.Z.,
21 resulting in the patient not receiving medication. Patient had been prescribed Hydrochlorothiazide
22 25 mg QD (blood pressure medication). A supervisor was not notified of the error until May 8,
23 2008.

24 (e) On June 13, 2008, Respondent failed to transcribe medication orders for patient M.H.,
25 resulting in the patient not receiving medication. Patient had been prescribed Lantus 50u (insulin
26 glargine for injection). A supervisor was not notified of the error until June 19, 2008.

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1 THIRD CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

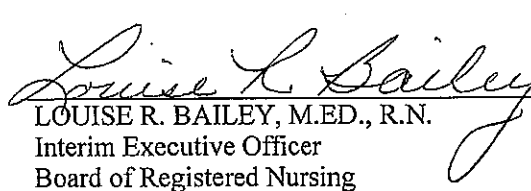
3 12. Respondent is subject to disciplinary action under Code sections 2761(a) and 2761(d),
4 in that Respondent committed acts of unprofessional conduct by violating or attempting to
5 violate, directly or indirectly, a provisions or term of the Nursing Practice Act or its adopted
6 regulations. Complainant refers to and by this reference incorporates the allegations set forth
7 above in paragraphs 10 and 11, inclusive, as though set forth fully.

8
9 PRAYER

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board of Registered Nursing issue a decision:

- 12 1. Revoking or suspending Registered Nurse License Number 495101, issued to
13 Jonathan James Pohlod;
14 2. Ordering Jonathan James Pohlod to pay the Board of Registered Nursing the
15 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
16 Professions Code section 125.3;
17 3. Taking such other and further action as deemed necessary and proper.

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20 DATED: 9/8/10


LOUISE R. BAILEY, M.ED., R.N.
Interim Executive Officer
Board of Registered Nursing
State of California
Complainant

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